

Message

From: Hurlid, Kathy [Hurlid.Kathy@epa.gov]
Sent: 1/6/2021 7:52:08 PM
To: Beck, Whitney [beck.whitney@epa.gov]; Eisenberg, Mindy [Eisenberg.Mindy@epa.gov]
Subject: RE: Update on FL 404 Rule

From: Beck, Whitney <beck.whitney@epa.gov>
Sent: Wednesday, January 6, 2021 2:44 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Update on FL 404 Rule

Ex. 5 Deliberative Process (DP)

From: Trombley, Michael <Trombley.Michael@epa.gov>
Sent: Wednesday, January 6, 2021 2:36 PM
To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>
Cc: Beck, Whitney <beck.whitney@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Update on FL 404 Rule

Ex. 5 Deliberative Process (DP)

From: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>
Sent: Wednesday, January 06, 2021 11:14 AM
To: Trombley, Michael <Trombley.Michael@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>

Cc: Beck, Whitney <beck.whitney@epa.gov>; Hurlid, Kathy <Hurlid.Kathy@epa.gov>

Subject: RE: Update on FL 404 Rule

Thanks for your help. Here is our proposed language:

Ex. 5 Deliberative Process (DP)

Mindy Eisenberg

Associate Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4504T

Washington, DC 20460

Cell Ex. 6 Personal Privacy (PP)

eisenberg.mindy@epa.gov

From: Trombley, Michael <Trombley.Michael@epa.gov>

Sent: Wednesday, January 06, 2021 10:37 AM

To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>

Subject: RE: Update on FL 404 Rule

As far as I can tell I provide the language over email to OP and they get it to OFR. Don't believe OW has anything signed.

Confirming with Macara as our OP desk officer is out until noon.

From: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>

Sent: Wednesday, January 06, 2021 10:35 AM

To: Trombley, Michael <Trombley.Michael@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>

Subject: RE: Update on FL 404 Rule

Who should sign the memo and who does it go to?

Thanks!

Mindy Eisenberg

Associate Director, Oceans, Wetlands & Communities Division

Office of Wetlands, Oceans and Watersheds

U.S. Environmental Protection Agency

1200 Pennsylvania Ave., NW, mailcode 4504T

Washington, DC 20460

Cell Ex. 6 Personal Privacy (PP)

eisenberg.mindy@epa.gov

From: Trombley, Michael <Trombley.Michael@epa.gov>

Sent: Wednesday, January 06, 2021 10:34 AM

To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>

Subject: RE: Update on FL 404 Rule

Mindy and Antonio,

Yes, there is a memo that should be included in an expedited publication request. I'm including some language below that we used for another action, could you draft something similarly brief for Florida?

Macara – this language you sent over to OP, you just sent the language and they drafted the memo? Was there anything else needed from OW?

Thanks!

Mike

OW is requesting publication of the final Lead and Copper Rule in the Federal Register no later than January 19, 2021.

Justification language: The final Lead and Copper Rule marks a critical step in advancing the December 2018 Federal Action Plan to Reduce Childhood Lead Exposures and Associated Health Impacts. The final rule provides greater and more effective protection of public health by reducing exposure to lead and copper in drinking water. The rule will better protect children and communities from the risks of lead exposure by testing drinking water at elementary schools and child care facilities, get the lead out of the nation's drinking water, and empower communities to address lead and copper issues through providing additional critical information. This action is the first major overhaul of the Lead and Copper Rule since 1991 and expedited publication will help ensure these important protections are put in place as quickly as possible.

From: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>

Sent: Wednesday, January 06, 2021 10:24 AM

To: Trombley, Michael <Trombley.Michael@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>

Subject: RE: Update on FL 404 Rule

I think we want to ask for expedited publication no later than January 19.

Thanks!

Mindy Eisenberg
Associate Director, Oceans, Wetlands & Communities Division
Office of Wetlands, Oceans and Watersheds
U.S. Environmental Protection Agency
1200 Pennsylvania Ave., NW, mailcode 4504T
Washington, DC 20460
Cell - Ex. 6 Personal Privacy (PP)
eisenberg.mindy@epa.gov

From: Trombley, Michael <Trombley.Michael@epa.gov>

Sent: Wednesday, January 06, 2021 10:23 AM


To: Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>

Subject: FW: Update on FL 404 Rule

Importance: High

I can let OP know about our expedited publishing request (though, at this point, they're asking what isn't expedited not the other way around!) if you could make sure your requested date is included in the deadlines section of dailies (see below). There also might be a memo that has to accompany, let me check into that.

I'll let you know about the memo ASAP.


Draft FL 404 Rule Action Information.docx

Processing
FR Liaison Reviewer:

Date received by FR Team (Signed document)
Number of Pages:
Date submitted to FR for publication:

Deadlines

- * Action needed:
- * Date:
- * Type:

Send for IBR Review

Other

Explain Other:

Pre-Signature Review

From: Aguirre, Janita <Aguirre.Janita@epa.gov>

Sent: Wednesday, January 06, 2021 10:18 AM

To: Beck, Whitney <beck.whitney@epa.gov>; Ruf, Christine <Ruf.Christine@epa.gov>; Trombley, Michael <Trombley.Michael@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>; Braschayko, Kelley <braschayko.kelley@epa.gov>; Laija, Emerald <Laija.Emerald@epa.gov>
Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>; Eisenberg, Mindy <Eisenberg.Mindy@epa.gov>; Lousberg, Macara <Lousberg.Macara@epa.gov>; Kramer, Jessica L. <kramer.jessical@epa.gov>; Akopian, Natalia <akopian.natalia@epa.gov>

Subject: RE: Update on FL 404 Rule

Importance: High

Thank you for the update. Removing OP from the email and adding Mindy and Jess and a few others.

Mike – Please connect with Mindy and Antonio this morning about how to prepare an expedited publishing request.

Jess/Mindy – I assume the date should be ASAP, but you can pick a specific date on the form and include a sentence explaining why.

Thanks,

Janita

Janita Aguirre – Chief of Staff

U.S. Environmental Protection Agency | Office of Water

Phone: (202) 566-1149 | Email: aguirre.janita@epa.gov

From: Beck, Whitney <beck.whitney@epa.gov>

Sent: Wednesday, January 06, 2021 10:08 AM

To: Ruf, Christine <Ruf.Christine@epa.gov>; Trombley, Michael <Trombley.Michael@epa.gov>; Grossarth, Shari <Grossarth.Shari@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Braschayko, Kelley <braschayko.kelley@epa.gov>; Laija, Emerald <Laija.Emerald@epa.gov>
Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Update on FL 404 Rule

Hi all,

OFR has approved our IBR in the rule, and OGC up through David has also reviewed the rule. We are expecting to submit the rule package in CMS for OW's final review today, after which the package goes to OP.

Best,
Whitney

From: Ruf, Christine <Ruf.Christine@epa.gov>
Sent: Tuesday, January 5, 2021 11:18 AM
To: Beck, Whitney <beck.whitney@epa.gov>; Trombley, Michael <Trombley.Michael@epa.gov>; Grossarth, Shari <Grossarth.Shari@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>; Aguirre, Janita <Aguirre.Janita@epa.gov>; Braschayko, Kelley <braschayko.kelley@epa.gov>; Laija, Emerald <Laija.Emerald@epa.gov>
Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: RE: Update on FL 404 Rule

Hi, thanks and including Janita, Kelley and Emy.

From: Beck, Whitney <beck.whitney@epa.gov>
Sent: Tuesday, January 05, 2021 11:15 AM
To: Trombley, Michael <Trombley.Michael@epa.gov>; Ruf, Christine <Ruf.Christine@epa.gov>; Grossarth, Shari <Grossarth.Shari@epa.gov>; Nurse, Leanne <Nurse.Leanne@epa.gov>; Bravo, Antonio <Bravo.Antonio@epa.gov>
Cc: Hurlid, Kathy <Hurlid.Kathy@epa.gov>
Subject: Update on FL 404 Rule

Hi all,

Happy New Year! I just wanted to provide a quick update on the FL 404 rule.

As you know, we sent the rule to OFR in mid-Dec since we have incorporated by reference (IBR) material in the rule. We've received some initial comments from the OFR IBR staff, and we anticipate their IBR approval this week. Simultaneously, OGC has been working to edit the FRN in light of some recent events/potential litigation and they are running that through David F. Then the FRN will come to OW, we'll incorporate any last IBR edits from OFR, and we'll run the FRN back through OW front office review.

Please let me know if you have any questions. We are still trying to move this along as quickly as possible.

Best,
Whitney

Whitney Beck, Ph.D.
Program Development and Jurisdiction Branch
Office of Water, U.S. EPA
beck.whitney@epa.gov

202-566-2553